

# COMMITTEE AMENDMENT FORM

DATE: 03/27/ 07

COMMITTEE CITY UTILITIES

PAGE NUM. (S) 2

ORDINANCE I. D. #07-O-0455

SECTION (S) 5

RESOLUTION I. D. #07-R-

PARA.

AMENDS THE LEGISLATION BY DELETING THE ACCOUNT NUMBER 491102  
AND REPLACING IT WITH 524001 SO THAT THE FUND, ACCOUNT AND  
CENTER NUMBER WILL READ AS FOLLOWS:

**3P02 524001 M22F03349999**

AMENDMENT DONE BY COUNCIL STAFF 03/27/07

BY CITY UTILITIES COMMITTEE

**AN ORDINANCE TO ABANDON A PORTION OF MULLINS STREET, SOUTHWEST, LOCATED BETWEEN TEE ROAD AND THE DEAD-END OF MULLINS STREET, LYING IN LAND LOT 212, COUNCIL DISTRICT 2, FULTON COUNTY, GEORGIA, CONSISTING OF APPROXIMATELY 0.2098 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT “A”; AND FOR OTHER PURPOSES.**

**WHEREAS**, Quincy D. Jordan, (“Applicant”), an owner of abutting property, has filed a formal petition with the City of Atlanta (“City”) to abandon the above-referenced property, said application containing the consent of the other abutting property owners to the abandonment; and

**WHEREAS**, the Applicant has paid a fee of \$2,000.00 for the abandonment, as specified by Section 138-9 (a) (5) of the City Code of Ordinances; and

**WHEREAS**, the request to abandon said street has been reviewed by the proper City agencies, all public utilities, neighborhood planning units, and other applicable entities referenced in Section 138-9 (b) (2) prior to passage of this legislation; and

**WHEREAS**, the abutting property owner and the City of Atlanta have agreed to a conveyance of said property contingent upon the abandonment process taking place; and

**WHEREAS**, the Commissioner of the Department of Public Works has determined that the portion of Mullins Street, S.W., as described in Exhibit “A” is no longer necessary for the public’s use and convenience as a public right-of-way; and

**WHEREAS**, the abandoned portion of Mullins Street, S.W., will become part of the abutting owner’s private property, and it will be such owner’s responsibility to maintain, operate, and provide all services and utilities.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**SECTION 1:** That the Applicant will be required to meet the requirements of Section 138-9 of the City of Atlanta Code of Ordinances, including having the abandonment request reviewed by the police, fire, and planning departments.

**SECTION 2:** That the portion of Mullins Street, S.W., whose legal description is as shown on the attached Exhibit “A”, is hereby declared no longer useful or necessary for the public’s use and convenience.

**SECTION 3:** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

**SECTION 4:** That the Chief Procurement is hereby directed to have prepared an appraisal of the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

**SECTION 5:** That all costs associated with the advertising and appraisal report shall be charged to and paid from Fund, Account and Center Number 3P02 524001 M22F03349999.

**SECTION 6:** That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the Applicant in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

**SECTION 7:** That the Mayor is authorized to execute a quitclaim deed to Applicant conveying any interest that the City may have in the above-described portion of Mullins Street, S.W., abandoned herein.

**SECTION 8:** The date of execution of this ordinance by the Mayor shall be the effective date of abandonment.

**SECTION 9:** That all ordinances and parts of ordinances in conflict herewith are hereby waived in this instance only.

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**07- 0 -0455**

**AN ORDINANCE TO ABANDON A PORTION OF MULLINS STREET, SOUTHWEST, LOCATED BETWEEN TEE ROAD AND THE DEAD-END OF MULLINS STREET, LYING IN LAND LOT 212, COUNCIL DISTRICT 2, FULTON COUNTY, GEORGIA, CONSISTING OF APPROXIMATELY 0.2098 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AND FOR OTHER PURPOSES.**

**WHEREAS**, Quincy D. Jordan, ("Applicant"), an owner of abutting property, has filed a formal petition with the City of Atlanta ("City") to abandon the above-referenced property, said application containing the consent of the other abutting property owners to the abandonment; and

**WHEREAS**, the Applicant has paid a fee of \$2,000.00 for the abandonment, as specified by Section 138-9 (a) (5) of the City Code of Ordinances; and

**WHEREAS**, the request to abandon said street has been reviewed by the proper City agencies, all public utilities, neighborhood planning units, and other applicable entities referenced in Section 138-9 (b) (2) prior to passage of this legislation; and

**WHEREAS**, the abutting property owner and the City of Atlanta have agreed to a conveyance of said property contingent upon the abandonment process taking place; and

**WHEREAS**, the Commissioner of the Department of Public Works has determined that the portion of Mullins Street, S.W., as described in Exhibit "A" is no longer necessary for the public's use and convenience as a public right-of-way; and

**WHEREAS**, the abandoned portion of Mullins Street, S.W., will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**SECTION 1:** That the Applicant will be required to meet the requirements of Section 138-9 of the City of Atlanta Code of Ordinances, including having the abandonment request reviewed by the police, fire, and planning departments.

**SECTION 2:** That the portion of Mullins Street, S.W., whose legal description is as shown on the attached Exhibit "A", is hereby declared no longer useful or necessary for the public's use and convenience.

**SECTION 3:** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

**SECTION 4:** That the Chief Procurement is hereby directed to have prepared an appraisal of the fair market value of the right-of-way to be abandoned and perform all other responsibilities concerning this proposed abandonment, as outlined in the City's Code of Ordinances, including Section 2-1578.

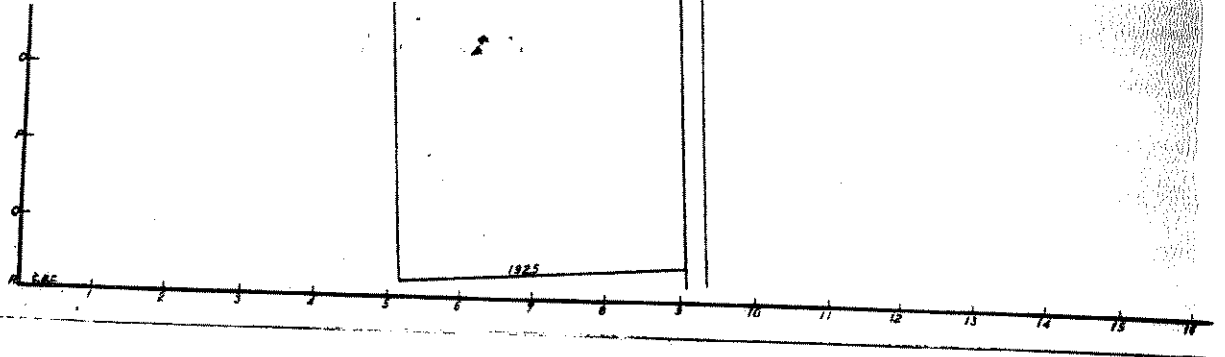
**SECTION 5:** That all costs associated with the advertising and appraisal report shall be charged to and paid from Fund, Account and Center Number 3P02 491102 M22F03349999.

**SECTION 6:** That upon approval of this ordinance, and upon acceptance of the necessary documents by the Department of Public Works, and upon receipt of payment from the Applicant in the amount of the appraised fair market value of the property, or the satisfaction of any alternative conditions under Section 2-1578 of the City's Code of Ordinances, the City Attorney is hereby directed to prepare a Quitclaim Deed or Limited Warranty Deed and other appropriate documents to effectuate the abandonment authorized by this ordinance.

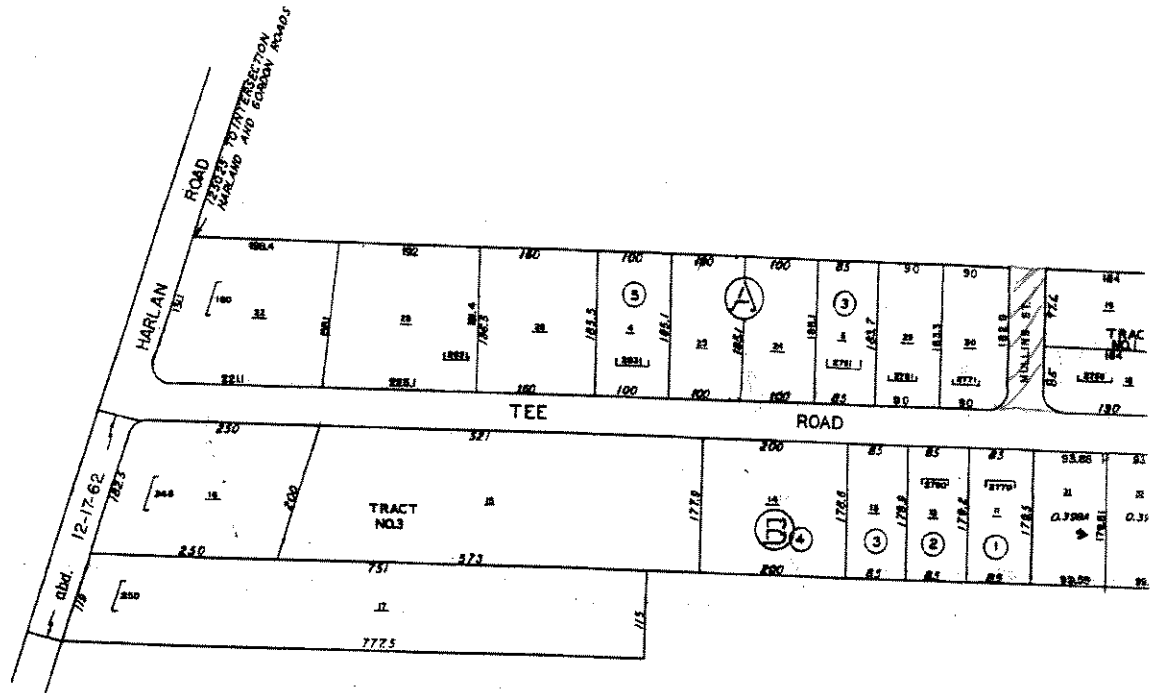
**SECTION 7:** That the Mayor is authorized to execute a quitclaim deed to Applicant conveying any interest that the City may have in the above-described portion of Mullins Street, S.W., abandoned herein.

**SECTION 8:** The date of execution of this ordinance by the Mayor shall be the effective date of abandonment.

**SECTION 9:** That all ordinances and parts of ordinances in conflict herewith are hereby waived in this instance only.



212-2  
(14TH)



456

SCALE 1/100

**Part II: Legislative White Paper:**

**Committee of Purview:**

**Caption: AN ORDINANCE TO ABANDON A PORTION OF MULLINS STREET, SOUTHWEST, LOCATED BETWEEN TEE ROAD AND THE DEAD-END OF MULLINS STREET, LYING IN LAND LOT 212, COUNCIL DISTRICT 2, FULTON COUNTY, GEORGIA, CONSISTING OF APPROXIMATELY 0.2098 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AND FOR OTHER PURPOSES.**

**Council Meeting Date:** March 19, 2007

**Requesting Dept.:** Public Works

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to abandon City of Atlanta Right-of-Way for a private developer.

**2. Please provide background information regarding this legislation.**

The City is abandoning ROW of referenced street so private developer can begin construction.

**3. If Applicable/Known:**

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc):
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

**4. Fund Account Center:**

**5. Source of Funds: *Example: Local Assistance Grant***

6. Fiscal Impact:

7. Method of Cost Recovery:

**This Legislative Request Form Was Prepared By: WAHAB ALABI**



CV	CURVE	CD	CROSS DRAIN
CO	CLEAN OUT	SSE	SANITARY SEWER EASEMENT
PP	POWER POLE	DE	DRAINAGE EASEMENT
SP	SERVICE POLE	FH	FIRE HYDRANT
GV	GAS VALVE	WV	WATER VALVE
GM	GAS METER	WM	WATER METER
LP	LIGHT POLE	PC	POINT OF CURVE
SS	SANITARY SEWER	POB	POINT OF BEGINNING
N&C	NAIL & CAP	POC	POINT OF COMMENCEMENT
FC	FENCE CORNER	PI	POINT OF INTERSECTION
-X-X-	FENCE	D	DEED
M	MEASURED	IPP	IRON PIN PLACED (1/2" REBAR)
P	PLAT		

## GENERAL NOTES

1. INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, HIS EMPLOYEES, HIS CONSULTANTS, HIS CONTRACTORS, AND/OR HIS AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.

2. RIGHT-OF-WAYS ARE BASED ON CENTERLINES OF EXISTING PATHS OF TRAVEL, UNLESS NOTED OTHERWISE.

3. ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.

4. NO VISIBLE EVIDENCE OF A CEMETERY FOUND

5. BEARINGS BASED ON MAGNETIC NORTH OBSERVATIONS AS NOTED IN PLAT BOOK 192 - PAGE 78

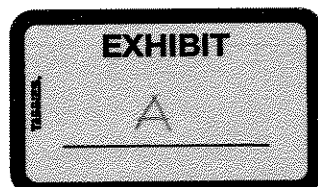
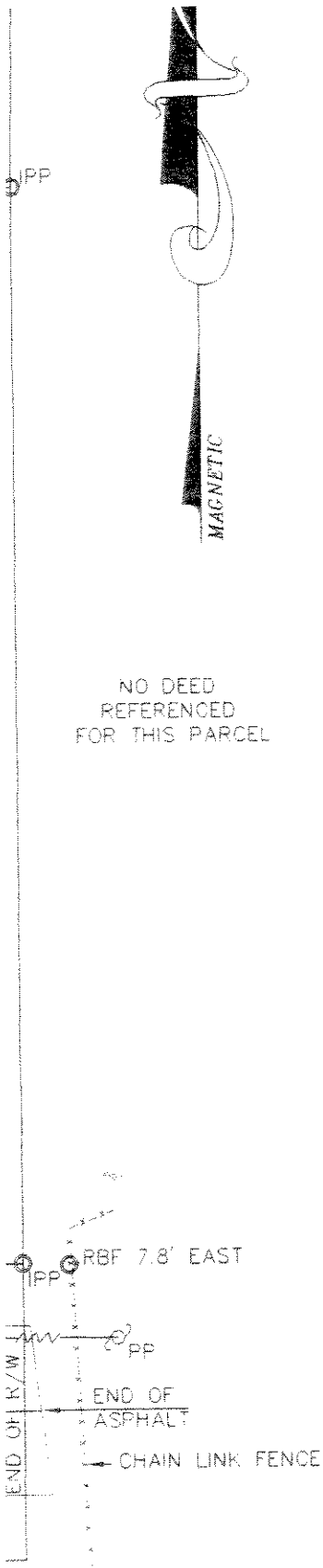
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT POLICY; THEREFORE EXCEPTION IS MADE HEREIN TO ANY EASEMENTS, RESERVATIONS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD WHICH MAY EXIST.

## LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND OR BEING IN LAND LOT 212 OF THE 14th DISTRICT OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED 1156.67 FEET EAST OF THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF TEE ROAD AND THE EASTERLY RIGHT OF WAY LINE OF HARLAN ROAD AND RUN THENCE NORTH 00 DEGREES 15 MINUTES 12 SECONDS EAST A DISTANCE OF 182.86 FEET TO AN IRON PIN PLACED; THENCE RUN SOUTH 89 DEGREES 52 MINUTES 00 SECONDS EAST A DISTANCE OF 50.00 FEET TO AN IRON PIN PLACED; THENCE RUN SOUTH 00 DEGREES 15 MINUTES 12 SECONDS WEST A DISTANCE OF 182.62 FEET TO AN IRON PIN PLACED ON THE NORTHERLY RIGHT OF WAY OF TEE ROAD; THENCE ALONG THE NORTHERLY RIGHT OF WAY OF TEE ROAD SOUTH 89 DEGREES 51 MINUTES 18 SECONDS WEST A DISTANCE OF 50.00 FEET TO AN IRON PIN PLACED AND THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND TO CONTAIN 9.137 SQUARE FEET



TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Nikki Turner 

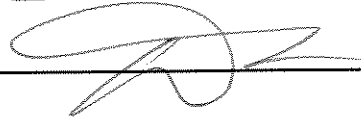
Contact Number: x 6001

Originating Department: Public Works

Committee(s) of Purview: City Utilities

Council Deadline: February 26, 2007

Committee Meeting Date(s): March 13-14, 2007 Full Council Date: March 19, 2007.


Commissioner Signature 

**CAPTION**

**AN ORDINANCE TO ABANDON A PORTION OF MULLINS STREET, SOUTHWEST, LOCATED BETWEEN TEE ROAD AND THE DEAD-END OF MULLINS STREET, LYING IN LAND LOT 212, COUNCIL DISTRICT 2, FULTON COUNTY, GEORGIA, CONSISTING OF APPROXIMATELY 0.2098 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A"; AND FOR OTHER PURPOSES.**

**FINANCIAL IMPACT: n/a**

Mayor's Staff Only

Received by Mayor's Office: 2.27.07 DP Reviewed by:  (date)

Submitted to Council: 3/2/07 (date)